



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/784,661

02/23/2004

Scott D. Lavender

H10287/JDP

2352

1333 7590 11/13/2008
EASTMAN KODAK COMPANY
PATENT LEGAL STAFF
343 STATE STREET
ROCHESTER, NY 14650-2201

EXAMINER

BEATTY, ROBERT B

ART UNIT

PAPER NUMBER

2852

MAIL DATE

DELIVERY MODE

11/13/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/784,661	Applicant(s) LAVENDER ET AL.	
	Examiner Robert B. Beatty	Art Unit 2852	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 July 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) 12-22 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

1. Claims 12-22 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 7/23/2008.

2. Claims 1-11 are objected to because of the following informalities:

In claims 1-11, line 1, "printer" should be changed to --printing system-- because the disclosed printer does not include a print server or web server.

In claim 1, lines 7-8, the phrase "received from one of a plurality of input sources coupled to an output source" is not understood in connection with the printer. In other words, what input sources and output source is applicant referring to in the specification?

on page 5, 3rd line from the bottom, "marking engine 215" is not shown in Fig.2.

on page 6, paragraph 24 should be clarified as to the reference numerals corresponding to the figures.

Appropriate correction is required.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by

the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-2,4-6,8,11 are rejected under 35 U.S.C. 102(e) as being anticipated by Aiba et al.

Aiba et al. discloses a printing system comprising a printer 4000 that produces images on sheets, a user PC 2000 connected to the printer, and a server 1001 connected to the print server via a network (internet). See Fig.1. The user PC (300 as shown in Fig.2) controls the operations of the printer (par.26) and is considered a “print server”. As seen in Fig.3, the web server (600 in Fig.3) has a memory 611 which stores various software such as print drivers. Automatic updates of the print driver occur by initiating a permission and verification screen to the user at the print server and allowing automatic connection, retrieval and downloading of the print driver (par.49,54). A verification process will occur to determine whether the print driver can and should be updated depending on the version (par.55,66). Since user authorization is needed to confirm updating it is believed the connection to the web server is intermittent. In addition, although print drivers are to be updated, other updates are possible such as scanner drivers, display drivers, etc. (par.81). The driver update is automatically installed and therefore is self-extracting and self-registering (par.69). The printer has an operation panel 1501 for performing print settings and print server has CPU 1, display and keyboard for performing various settings to the printer (par. 35,39).

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 3,7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aiba et al. in view of Iizuka et al.

Aiba et al. taught supra discloses most of what is claimed except their being a second web server with a repository of update software. In addition, the print server having a continuous connection to the web server is not taught. Iizuka et al. teach a system of updating software on an image forming apparatus via web servers. In Figs 7-8 , there is shown the use of plural web servers. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use plural web servers in Aiba et al. because by having a connection to plural web servers such as located at different locations, one has the option to connecting to one even if one is busy or slow. Additionally, it is believed that the continuous connection of office equipment to the internet is notoriously well known in the art of which the examiner takes Official Notice and by doing so relieves the operator from making a connection each time information from the web is needed.

5. Claims 9-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aiba et al. in view of Greene et al.

Aiba et al. taught supra discloses most of what is claimed except is silent as to the network architecture. Green et al. teach that two very well known network architectures (computers interconnected via the internet) is a peer to peer architecture and a hub and spoke architecture (see Fig.1A, 1B and col.10, line 27 - col.11, line 31. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use either of these two types of network architecture because it is notoriously well known that both are very common for connecting computers to servers over a network as discussed in Greene et al.

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Stewart et al., Casey et al., Schacht et al., Ferlitsch, Allen et al., Nakazono et al., Kobayashi, Takabayashi et al., Parry, and Wood et al. teach various patents relating to updating software via a network.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert Beatty whose telephone number is (571) 272-2130. The examiner can normally be reached on M-F from 9 to 6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Gray, can be reached on (571) 272-2119. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Robert Beatty/
Primary Examiner
Art Unit 2852
November 14, 2008

Application/Control Number: 10/784,661
Art Unit: 2852

Page 7